



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, Ca. 94105

February 10, 2014

Dr. Charles Lester  
Executive Director  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

Dear Dr. Lester:

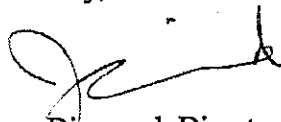
I understand the California Coastal Commission is scheduled to receive an update on hydraulic fracturing activities on oil and gas platforms in state and federal waters at the Commission meeting on February 12, 2014. In lieu of having an EPA representative at the meeting, this letter explains how EPA's Clean Water Act permit for offshore platforms in federal waters addresses well treatment discharges.

EPA's role in this activity is the regulation of discharges of pollutants from oil and gas platforms through the National Pollutant Discharge Elimination System (NPDES) permit program under the Clean Water Act. While the Clean Water Act provides EPA the authority to regulate discharges resulting from drilling, it does not provide EPA with the authority to regulate the methods used to drill wells unrelated to discharges.

In December 2013, Region 9 reissued the general NPDES permit authorizing discharges from offshore oil and gas operations in federal waters off California. This general permit authorizes and regulates 22 types of discharges from offshore operations, including well treatment fluids (discharge 003). Discharges from hydraulic fracturing operations are considered to be within the definition of well treatment fluids and are therefore subject to the requirements of discharge 003 (40 CFR Part 435.11). All 22 types of discharges are subject to discharge limits and periodic monitoring requirements as laid out in the permit. In addition, the renewed permit includes a new requirement for platform operators to maintain an inventory of data about fluids used in well treatment operations and to report data to EPA about discharges of well treatment fluids. If the fluids are discharged, the permit requires that operators report that information with their quarterly discharge monitoring reports (DMRs), which are submitted to Region 9 and Commission staff. If those well treatment fluids are not discharged and therefore not reported with DMRs, the inventory information would be available to EPA inspectors at the platforms during inspections, or pursuant to an information request. The renewed permit also requires whole effluent toxicity (WET) tests for produced water discharges. Those tests are designed to ensure that all pollutants in the discharges are not toxic to aquatic life in the ocean environment. If well treatment fluids are discharged, they are normally discharged with produced water. Thus, the WET tests will help provide information on the potential toxicity to marine life from chemicals used for well treatment.

We believe the permit is consistent with the California Coastal Management Plan (as the Commission determined at its meeting on June 12, 2013). We anticipate working with Commission staff to collectively evaluate information received in DMRs, and other pertinent information received under the new permit, to determine whether additional permit requirements would be appropriate. Note that EPA has the authority to reopen and modify the permit conditions if new data and information indicate a discharge could cause unreasonable degradation of the marine environment (Part I.A.4 of the permit). We would welcome the opportunity to brief the Commission following these reviews. If you have further questions, please contact David Smith, Manager of the NPDES Permits Office, at 415-972-3464 ([smith.davidw@epa.gov](mailto:smith.davidw@epa.gov)).

Sincerely,



Jane Diamond, Director  
Water Division